

Jan 04, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTONUNITED STATES OF AMERICA,
Plaintiff,
-vs-
DONALD REED DANIELS,
Defendant.

No. 2:17-CR-0101-WFN-7

ORDER REDUCING SENTENCE

Pending before the Court is Defendant's Motion for Compassionate Release with Supervision. ECF No. 1458. Defendant has exhausted his claim with the Bureau of Prisons [BOP]. Defendant must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has demonstrated compelling reasons warranting a sentence reduction. Defendant's age increases his risk of hospitalization by at least 4 times and death by 30 times that of a person 18 – 29 years old if he contracts COVID-19. <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>. By the age of 65, the risk of death jumps to 60 times that of a person in their twenties. *Id.* Though Defendant suffers from some health issues, none increase his risk of death if he contracts COVID-19. Evidence demonstrates that he faces an increased chance of serious illness and death if he were to contract COVID-19. Defendant's current release date is November 30, 2021.

Defendant is not a danger to the safety of any other person or the community. He was convicted for distribution of controlled substances. He has no history of gun possession or violence. His prior DUI convictions cause the Court concern, but the most recent DUI occurred seven years ago. Consequently, the Court concludes that Defendant has presented compelling reasons for a modification of his sentence. The Court has reviewed the file and Motion and is fully informed. Accordingly,

IT IS ORDERED that:

8 1. Defendant's Motion for Compassionate Release with Supervision, filed
9 November 2, 2020, ECF No. 1458, is GRANTED.

10 2. Defendant's sentence is amended to Time Served, with 6 years of supervised
11 release as reflected in the concurrently filed Amended Judgment.

12 The District Court Executive is directed to file this Order and provide copies to
13 counsel **AND TO** United States Probation Officer Cassandra Lerch.

DATED this 4th of January, 2021.

W. Fisher

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

12-29-20